

Remarks

Reconsideration of the present application, as amended, is respectfully requested.

The present amendment is made in addition to Amendment D after Final, filed October 24, 2006 and now entered with this RCE.

Of previously pending claims 1-12, all were rejected.

Independent claims 1 and 7 were rejected under 35 USC §103(a) as being obvious over the previously cited Henmi patent, U.S. Patent No. 6,137,603, in view of the Yamane patent, U.S. Patent No. 5,434,691. In addition to the amendment of claim 1 by Amendment D after Final, the current amendment further amends claim 1 to more clearly indicate that the output terminal and the monitor output terminal of each optoelectric converter is distinct from each other. The applicant's "monitor output terminal" has not been identified in the Henmi reference. In independent claim 7 each optoelectric converter also has an optical input terminal, an output terminal and a monitor output terminal. In Henmi's Fig. 2, to which the Examiner has referred, the first and second optoelectric converters 1052 and 1053 which the Examiner has identified with the applicant's optoelectric converters each has only two terminals. Claims 1 and 7 are not obvious over the cited Henmi and Yamane patents.

Dependent claims 2-6 and 8-12 should be allowable for at least being dependent upon allowable base claims. While dependent claims 2-6 and 8-12 were rejected under 35 USC §103(a) as being obvious over the cited Henmi patent in view of the cited Yamane patent and further in view of the previously cited Kitamura patent, U.S. Patent No. 5,130,837, the applicant had previously argued that at least some of the claims were patentable over these references. For example, the Kitamura patent does not teach, "the output terminal of the regeneration circuit (16, fig. 1) connected to the input terminal of the laser (LD, fig. 1 and col. 1, lines 58-61), the laser producing a light signal provided to a client layer (fig. 1)." As noted in the title of the cited patent, Kitamura *et al.* are concerned with optical repeaters and Fig. 1 illustrates a conventional optical repeater. Col. 1, lines 23-24. "[O]ptical repeaters are provided in an optical fiber cable at predetermined intervals so that the occurrence of a receipt error due to the length of the optical fiber cable can be prevented." Col. 1, lines 10-13. Optical repeaters should have no connections

to a client layer in the Kitamura systems. The Examiner has not explained why a client needs an optical repeater, such as shown in Fig. 2 of Kitagawa. The Examiner's statements immediately above are conclusions and not explanations. The applicant points out that in MPEP §2143 the first basic requirement to establish a *prima facie* case of obviousness is that "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings."

Hence dependent claims 5, 6, 11 and 12 are allowable in their own right.

Therefore, in view of the amendments above and the remarks directed thereto, the applicant respectfully requests that all rejections be withdrawn, that claims 1-12 be allowed and the case be passed to issue. If a telephone conversation would in any way expedite the prosecution of this application, the Examiner is asked to call the undersigned at (408) 868-4088.

Respectfully submitted,

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